IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Crl.Rev.Pet.No. 920 of 1998

CRL.A.192/1996 OF I ADDL.SESSIONS COURT, KOZHIKODE
CC.252/1993 OF JUDL.MAGISTRATE OF FIRST CLASS-II, THAMARASSERY

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REVISION PETITIONERS/APPELLANTS/ACCUSEDS:

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1. **KUNHUMOHAMMED, S/O. KUNHALIKUTTY HAJI,**
   PUZHAKKALAKATH (PACHAKKARY),
   KOODARNHI AMSOM DESOM.

2. **BASHEER, S/O. KUNHUMOHAMED,**
   PUZHAKKAKALAKATH,
   KOODARNHI AMSOM DESOM.

3. **ABDUL RAHIMAN, S/O. KUNHUMOHAMMED,**
   PUZHAKKALAKATH,
   KOODARNHI AMSOM DESOM.

BY ADV. SRI.V.K.MOHAMMED YOUSUF.

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE,
THIRUVAMBADY (CR. NO. 76/93),
REPRESENTED BY STATE PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. K.C. SANTHOSH KUMAR.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/07/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY, J.

Crl.R.P.No.920 OF 1998

Dated 16th July, 2007

ORDER

Revision petitioners were convicted under Sections 447 and 427 read with Section 34 of the Indian Penal Code. The prosecution case was proved beyond doubt by the witnesses examined on the side of the prosecution (PWs 1 to 8). No evidence was adduced on the side of defence. The extent of damage caused are mentioned in the mahazar. No grounds are made out by the petitioners for interfering with the conviction entered concurrently by the courts below under Sections 447 and 427 of IPC. The main contention raised in the revision petition is that since the petitioners were convicted for minor offences, they may be allowed to be released on probation under the Probation of Offender's Act and a lenient view may be taken. Considering the offences, I alter the sentence. Petitioners are sentenced to pay a fine of Rs.2,000/= each under Section 427 IPC and Rs.500/= each under Section 447 IPC, instead of the imprisonment imposed. If the fine is not paid, they shall undergo simple imprisonment for three months. On realisation of the fine

amount, Rs.3,000/= (Rs.1,000/= each from the fine realised from each of the accused) shall be paid to PW1.

The revision petition is disposed of accordingly.

J.B.KOSHY
Judge

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